

## **Exhibit A**

EEOC Form 5 (11/09)

**CHARGE OF DISCRIMINATION**

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To: Agency(ies) Charge No(s):

FEPA

EEOC

**443-2020-02273**

**Wisconsin Department of Workforce Development's Equal Rights Division**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

**Ms. Kalena Krueger**

Home Phone (Incl. Area Code)

**(414) 587-4983**

Date of Birth

**6/8/1996**

Street Address

**5609 W. Morgan Ave., Unit M**

City, State and ZIP Code

**Milwaukee, WI 53220**

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

**Dr. Noah's Ark Veterinary Clinic**

No. Employees, Members

Phone No. (Include Area Code)

**30-plus**

**(414) 231-3333**

Street Address

**4604 N. Wilson Drive**

City, State and ZIP Code

**Shorewood, WI 53211**

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)

RACE     COLOR     SEX     RELIGION     NATIONAL ORIGIN  
 RETALIATION     AGE     DISABILITY     GENETIC INFORMATION  
 OTHER (Specify)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

**Dec 2019**

**Present**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

1. I was hired by Dr. Noah's Ark, a veterinary clinic, as a Receptionist on December 2019. From the beginning, Dr. Noah Arnold, the owner of the clinic made me uncomfortable. During my job interview with Dr. Arnold, he had me sit on a chair while he sat on the floor in front of me, and he took off my shoes and threw them across the room. He also asked me if I was okay with working in a flirtatious environment, and if I had a boyfriend. This behavior and these questions confused me and made me very uncomfortable.

Before coming to work for Dr. Arnold, I had previously worked as an exotic dancer. At the time I was hired by Dr. Arnold, I also worked part-time as an online sex worker. Dr. Arnold somehow learned of this, but I was assured by him and his mother, Janet Arnold, who is Noah's Ark's Human Resources Manager, that this would not be an issue. However, Dr. Arnold's wife found out about my background, and pressured him to terminate me, which he did on December 23, 2019. Dr. Arnold told me that the reasons for my termination were business-related, which I later learned was not true. Dr. Arnold promptly rehired me the next day.

Dr. Arnold seemed obsessed with my background as an online sex worker, and it soon became apparent to me that he was trying to find my online sex website. He texted me if he could show me something "inappropriate" and texted me a screenshot of my personal Instagram page. He then sent me a friend request on Instagram.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.  
 SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
 (month, day, year)

**8/12/20**

Date

Charging Party Signature

<b>CHARGE OF DISCRIMINATION</b>		Charge Presented To:	Agency(ies) Charge No(s):
This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.		<input type="checkbox"/> FEPA	
		<input checked="" type="checkbox"/> EEOC	443-2020-02273
<b>Wisconsin Department of Workforce Development's Equal Rights Division</b>		and EEOC	
State or local Agency, if any			
THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):			
<p>which I rejected. He eventually found my sex website, admitting that he had found it by "creeping on" mutual friends' social media pages, and he let me know that he had subscribed to it and that he watched my online sexual content, which greatly upset me, so I told him to unsubscribe. Dr. Arnold also told several of my coworkers at Noah's Ark about my website, and even showed it to some of them. He also repeatedly asked me very personal questions about my work as a sex worker, which made it extremely stressful and uncomfortable for me to be in his presence. Dr. Arnold would often call me into an examination room, close the door, and have very inappropriate conversations with me, often telling his other employees not to interrupt him. He also constantly sent me very personal – often bizarre – text messages, often very late at night, in spite of the fact that we were not friends and that our relationship was strictly work-related.</p>			
<p>On April 4, 2020, Dr. Arnold announced to all employees at Noah's Ark that he would be laying off people, and that all employees needed to write a letter explaining why they thought they should stay employed. Thinking my job was in jeopardy, I wrote a letter in which I stated how my job had helped me move on from my background and how appreciative I was of being given the opportunity to work at a veterinary clinic. Eventually, I found out that Dr. Arnold was not going to let any employees go, and I felt used and manipulated.</p>			
<p>On or April 26, 2020, a former coworker told me that the real reason why I had been terminated in December was because Dr. Arnold's wife was not comfortable with someone with my background working with her husband. This was confirmed by three other people. I was humiliated and devastated.</p>			
<p>Fed up with what I now recognized as a continuous pattern of harassment and discrimination, I made an internal complaint to Janet Arnold, Dr. Arnold's mother and Human Resources Manager. She asked me if Dr. Arnold made me uncomfortable. I confirmed that he did, and detailed how. Ms. Arnold – by her own admission – did nothing about this complaint for one month. She also told me that she did not believe me anyway, because she knew Dr. Arnold, and knew that her son was supposedly "not a pervert".</p>			
<p>Both during and after the month in which Mrs. Arnold did nothing with my complaint, Dr. Arnold continued to harass me verbally and by continuing to send me very bizarre and personal text messages outside of work, including a message in which he attempted to make me feel ashamed by the fact that I had complained about his behavior. I avoided Dr. Arnold as much as I could, and did not answer his text messages or calls asking me to be available for him outside of work. Dr. Arnold expressed his frustration about this to me and, at some point, managed to get through to me through a random phone number that I did not recognize, and told me that he was upset at the people who had spoken with me about the real reasons for my termination.</p>			
<p>Both Dr. Arnold's continued inappropriate conduct and Mrs. Arnold's failure or refusal to take my complaint against her son seriously have led me to conclude that this long pattern of harassment and discrimination to which I have been subject will not end. In spite of this, I need my paycheck and recognize that the current pandemic would make it very difficult for me to secure employment elsewhere, so I am trying not to quit, even though it seems like the only rational solution at this point. This situation has caused me immense stress and anxiety, and has severely impacted my mental health. On more than one occasion, I have broken down and cried in front of my coworkers, and I unable to sleep well at night. I have gone on unpaid medical leave, because I cannot bear to work in such a hostile work environment, which is unresponsive to my concerns.</p>			
<p>I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.</p>		<p>NOTARY – When necessary for State and Local Agency Requirements</p>	
<p>I declare under penalty of perjury that the above is true and correct.</p> <p><u>8/12/20</u> <u>KL</u></p>		<p>I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.</p> <p>SIGNATURE OF COMPLAINANT</p> <p>SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE (month, day, year)</p>	
Date	Charging Party Signature		

# CHARGE OF DISCRIMINATION

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FEPA

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443-2020-02273

## Wisconsin Department of Workforce Development's Equal Rights Division

and EEOC

State or local Agency, if any

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

2. Sexual harassment is a form of sex discrimination that violates Title VII of the Civil Rights Act of 1964. Unwelcome sexual advances and other verbal or physical conduct of a sexual nature constitute sexual harassment to the extent it affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment. Dr. Arnold's inappropriate conduct was a pattern of unlawful conduct so incessant and pervasive that, both while I was employed by him and afterwards, I have had trouble sleeping and felt under constant stress and anxiety, to the point I have had to seek professional help to manage this stress and anxiety.

As a direct and proximate cause of Noah's Ark's actions, I have suffered damages, including, but not limited to, emotional distress and physical harm, mental anguish, loss of reputation, loss of past wages, loss of future wages, loss of benefits, attorneys' fees, costs, and other expenses as allowed by law. Noah's Ark's reckless indifference as to my rights, including its pattern of harassment, discrimination, and retaliation, as well as its failure or refusal to investigate my internal complaint, entitles me to punitive damages.

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

8/12/20

KR

Date

Charging Party Signature

NOTARY – When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE  
(month, day, year)

**PRIVACY ACT STATEMENT:** Under the Privacy Act of 1974, Pub. Law 93-579, authority to request personal data and its uses are:

1. **FORM NUMBER/TITLE/DATE.** EEOC Form 5, Charge of Discrimination (11/09).
2. **AUTHORITY.** 42 U.S.C. 2000e-5(b), 29 U.S.C. 211, 29 U.S.C. 626, 42 U.S.C. 12117, 42 U.S.C. 2000ff-6.
3. **PRINCIPAL PURPOSES.** The purposes of a charge, taken on this form or otherwise reduced to writing (whether later recorded on this form or not) are, as applicable under the EEOC anti-discrimination statutes (EEOC statutes), to preserve private suit rights under the EEOC statutes, to invoke the EEOC's jurisdiction and, where dual-filing or referral arrangements exist, to begin state or local proceedings.
4. **ROUTINE USES.** This form is used to provide facts that may establish the existence of matters covered by the EEOC statutes (and as applicable, other federal, state or local laws). Information given will be used by staff to guide its mediation and investigation efforts and, as applicable, to determine, conciliate and litigate claims of unlawful discrimination. This form may be presented to or disclosed to other federal, state or local agencies as appropriate or necessary in carrying out EEOC's functions. A copy of this charge will ordinarily be sent to the respondent organization against which the charge is made.
5. **WHETHER DISCLOSURE IS MANDATORY; EFFECT OF NOT GIVING INFORMATION.** Charges must be reduced to writing and should identify the charging and responding parties and the actions or policies complained of. Without a written charge, EEOC will ordinarily not act on the complaint. Charges under Title VII, the ADA or GINA must be sworn to or affirmed (either by using this form or by presenting a notarized statement or unsworn declaration under penalty of perjury); charges under the ADEA should ordinarily be signed. Charges may be clarified or amplified later by amendment. It is not mandatory that this form be used to make a charge.

#### **NOTICE OF RIGHT TO REQUEST SUBSTANTIAL WEIGHT REVIEW**

Charges filed at a state or local Fair Employment Practices Agency (FEPA) that dual-files charges with EEOC will ordinarily be handled first by the FEPA. Some charges filed at EEOC may also be first handled by a FEPA under worksharing agreements. You will be told which agency will handle your charge. When the FEPA is the first to handle the charge, it will notify you of its final resolution of the matter. Then, if you wish EEOC to give Substantial Weight Review to the FEPA's final findings, you must ask us in writing to do so within 15 days of your receipt of its findings. Otherwise, we will ordinarily adopt the FEPA's finding and close our file on the charge.

#### **NOTICE OF NON-RETALIATION REQUIREMENTS**

Please notify EEOC or the state or local agency where you filed your charge if **retaliation is taken against you or others** who oppose discrimination or cooperate in any investigation or lawsuit concerning this charge. Under Section 704(a) of Title VII, Section 4(d) of the ADEA, Section 503(a) of the ADA and Section 207(f) of GINA, it is unlawful for an *employer* to discriminate against present or former employees or job applicants, for an *employment agency* to discriminate against anyone, or for a *union* to discriminate against its members or membership applicants, because they have opposed any practice made unlawful by the statutes, or because they have made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under the laws. The Equal Pay Act has similar provisions and Section 503(b) of the ADA prohibits coercion, intimidation, threats or interference with anyone for exercising or enjoying, or aiding or encouraging others in their exercise or enjoyment of, rights under the Act.